THE HON'BLE SRI JUSTICE A.GOPAL REDDY

–

WRIT PETITION No.2011 of 1995

DATED: 02-03-2006

Between:

M.A.Sattar and others . . .Petitioners

And

The Special Officer and Competent Authority,

Hyderabad and another . . .Respondents

s

THE HON'BLE SRI JUSTICE A.GOPAL REDDY

-

WRIT PETITION No.2011 of 1995

O R D E R:

The petitioners, who are five in number, claim that through an unregistered sale deed, dated 01-05-1971, they have purchased agricultural land to an extent of Ac.4-24 guntas and Ac.3-02 guntas in Survey Nos.249/1 and 249/2 of Malkajgiri Village, and are in joint possession of the same. They stated that they are not bound to file any declaration under Section 6 of the Urban Land (Ceiling and Regulations) Act, 1976 (for short "the Act"), and therefore, did not file any statement in respect of the above said land. They approached the Mandal Revenue Officer, Malkajgiri, under the Andhra Pradesh Record of Rights and Pattedar Passbooks Act, 1971, for validation of the said lands in their favour. The Mandal Revenue Officer after making necessary enquiry, directed them to pay stamp duty and registration charges on the unregistered sale deed, dated 01-05-1971. Accordingly, the petitioners paid the amount and the Mandal Revenue Officer forwarded the said information to the Sub-Registrar, Vallabnagar. Thus, the sale deed was validated. On such validation, pattas were granted to them.

In the meanwhile, one of the vendors of the petitioners filed a statement under Section 6 of the Act before the 1st respondent, who in turn, issued proceedings vide No.F1/2297/76, dated
09-03-1993, declaring that the said declarant is an excess land holder. He also issued a draft statement to the said effect under Section 8(1) and also notice under Section 8(3) of the Act. Further, a final statement prepared under Section 9 of the Act by the 1st respondent was sent for service to be served on the GPA holder of the

declarant. On coming to know the above, the petitioners submitted objections on 13-05-1994, to the 1st respondent-Special Officer and Competent Authority, Urban Land Ceiling, Hyderabad, who in turn, issued a memo, dated 31-08-1994, informing that the statement under Section 6 of the Act filed by the GPA holder of Sardarmal is processed up to the stage of Section 10(1) of the Act and if they are having any objection, they may approach the appellate authority. Questioning the correctness of the same, they filed an appeal before the second respondent-Commissioner of Land Reforms and Urban Lands Ceiling Act. The appellate authority through the impugned order, dated 21-12-1994, held that the appeal was not maintainable under Section 33 of the Act against the intimation given by the competent authority and accordingly, dismissed the same. Aggrieved thereby, the petitioners filed the present writ petition.

Heard the learned counsel for the petitioners and also learned Government Pleader for Revenue.

On issuance of a notification under Section 10(1) of the Act after service of the final statement under Section 9 of the Act on the person concerned intimating that the land will be acquired by the concerned, if the persons have any claim over the said land, they can submit their claims before the competent authority giving particulars of the nature of their interest in the said land. On filing such claims, the competent authority will consider the same and pass orders under sub-section 3 of Section 10 of the Act. If the persons aggrieved by a final statement passed under Section 9 of the Act, they can have a right of appeal under Section 33 of the Act. Without resorting to the said remedies, the petitioners cannot file an appeal on the intimation given by the competent authority.

The impugned order passed by the appellate authority stating that the appeal as such is not maintainable on the intimation given by the competent authority, does not suffer from any infirmity or manifest illegality, warranting interference of this Court.

The writ petition fails and is accordingly dismissed. However, if the petitioners are aggrieved by the final statement issued under Section 9 of the Act or orders passed under sub-section 3 of Section 10 of the Act, they are always at liberty to file an appeal against the same. There shall be no order as to costs.

(A.GOPAL REDDY, J)

2nd MARCH, 2006.

kvni